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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-third year

Identical letters dated 3 June 2008 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I am compelled to write to you today regarding the serious, ongoing issue of illegal Israeli settlement activity in the Occupied Palestinian Territory, including East Jerusalem. In total defiance and grave violation of international law, including the Fourth Geneva Convention, United Nations resolutions and the Advisory Opinion of the International Court of Justice and in total contradiction to the objectives and spirit of the renewed peace process, Israel, the occupying Power, continues and has intensified its settlement activities in the Occupied Palestinian Territory.

Once again, we are witness to and subjected to the audacity of Israeli announcements of illegal colonial settlement construction, which has been incessant and has particularly targeted areas in and around Occupied East Jerusalem. Just two days ago, Israeli Housing Minister Ze'ev Boim announced over 880 new tenders in two illegal settlements, including that constructed on Jabal Abu Ghneim in Occupied East Jerusalem. Overall, since the Annapolis Conference seven months ago, despite its pledges and commitments to cease settlement activity, the Israeli Government has actually issued tenders for approximately 17,000 new housing units in illegal Israeli settlements across the Occupied West Bank, including in Occupied East Jerusalem.

It should be recalled that the Security Council's failure to address the settlement construction at Jabal Abu Ghneim in 1997, despite its extremely negative impact on the peace process and the situation on the ground, led to the General Assembly's convening of its tenth emergency special session. The expansion of this settlement at Jabal Abu Ghneim or of any other Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, must thus be firmly opposed by the international community, as it represents a clear affront to the will of the community, which, in upholding international law, has consistently rejected these

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illegal settlements from the very first brick. In this regard, even the Quartet, from the outset, in its road map, has clearly called on Israel to freeze all settlement activity and dismantle all settlement "outposts".

Indeed, Israel's colonization campaign in its entirety — the settlements, the Wall, the bypass roads and all other measures intended to facilitate this campaign, including, inter alia, the confiscation of land, destruction of property and imposition of residency restrictions and a permit regime — constitutes a grave breach of international law, i.e. war crimes. Moreover, such illegal actions are destroying the territorial contiguity, integrity and unity of the Palestinian Territory, destroying the natural environment and destroying the chances for peace as they poison the atmosphere between the two sides, heighten tensions and frustrations, destabilize the situation on the ground and obstruct progress in the peace process.

This most recent declaration of continued settlement activity and expansion is regrettably yet additional proof of Israel's lack of commitment to the peace process and its terms of reference, including Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), in which the Council endorsed the road map, and the principle of land for peace. Peace cannot be achieved while Israel continues to colonize the land it occupied in 1967. Such illegitimate actions are totally contradictory to the concept of withdrawal, ending the occupation and land for peace. In fact, the continuation of such actions seriously undermines and threatens the prospects for the establishment of a physically viable and contiguous independent Palestinian State and thus the achievement of peace.

The international community must call upon Israel, the occupying Power, to cease all settlement activities and to abide by all of its legal obligations. This must include respect for its obligations under international humanitarian law and for relevant Security Council resolutions, including resolution 465 (1980), in which the Council, inter alia, reiterated the call upon Israel to cease all settlement construction and to dismantle those settlements already built. Moreover, immediate and tangible confidence-building measures are necessary to indicate Israel's actual willingness to address this issue towards the ultimate achievement of a peaceful two-State solution on the basis of the pre-1967 borders.

We welcome your statement of concern regarding Israel's latest announcement of settlement expansion and the illegality of such actions. It is imperative that such gross, constant and grave violations of international law, including humanitarian and human rights law, be firmly and consistently condemned and demands for their cessation be unequivocal. Continued tolerance for such crimes will only further undermine the rule of law in our international system to the detriment of all, which must be avoided.

Finally, with regard to this critical issue of the illegal settlements, I wish to draw special attention to the grave situation of Occupied East Jerusalem. Israel's attempts to change the character, demographic composition and status of East Jerusalem in order to completely isolate the city from the rest of the Palestinian Territory and forcibly annex it are totally illegal and not conducive to peace. East Jerusalem remains an integral part of the Occupied Palestinian Territory and the illegality and invalidity of Israel's measure to colonize and annex the city have been rejected and declared null and void by both the Security Council and the General Assembly. The issue of Jerusalem remains a core final status issue that must be justly resolved in order to achieve a peaceful settlement. In the interest of peace and

justice, the international community must therefore exert urgent measures to protect East Jerusalem and halt all illegal Israeli measures and policies aimed at unilaterally determining the fate of the city, for there can be no peace without East Jerusalem as it is the capital and heart of the future Palestinian State.

This letter is in follow-up to our previous 314 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 29 April 2008 (A/ES-10/418–S/2008/282), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Feda Abdelhady **Nasser**
Chargé d'affaires a.i.